

Appl. No. : 10/015,086
Amendment Dated : April 25, 2005
Reply to OfficeAction of : December 2, 2004

Atty. Docket No. 112222.128 US1

REMARKS

I. Application Status

Claims 1 and 3-36 are pending; claims 1, 3-11, 25-27, 29, and 31-36 are rejected under U.S.C. §102 and/or 103 as being anticipated by U.S. Publication No. 2001/0049193 (Golecki et al.); claims 22-24 and 30 are allowed; and claims 12-21 and 28 are objected to, but would be allowable if rewritten in independent form including all limitations of the base claim.

With this response, claims 1, 3, 7, 10 and 31 are amended; and claim 37 is newly added. Independent claims 1, 3, and 31 are amended to eliminate gold as a noble metal. Claim 1 is further amended to clarify that the performance characteristic that is greater than that of the noble metal alone, is that of the flexible member. Claims 7 and 10 have been amended to correct minor typographical errors. No new matter is added. Applicants submit that the amendments to the claims place the claims in condition for allowance, and entry and reconsideration of the amended claims are respectfully requested.

II. Inventor Interview

The undersigned attorney thanks Examiner Alanko for the telephone interview of April 19, 2005, in which an agreement was reached. Specifically, and in accordance with 37 CFR §133:

- Independent claims 1, 3, and 31 were discussed relative to their rejection over U.S. 2001/0049193 to Golecki et al.
- Applicants proposed amending the claims to remove “gold” as a noble metal in the claims. Applicants further proposed adding a new claim similar to claim 1 using “consisting essentially of” instead of “comprising” when describing a freestanding flexible member.

- Examiner proposed further amending claim 1 to clarify which performance characteristic was improved over that of the noble metal
- Thrust of argument presented: Golecki discloses gold-based alloys, and the claims, as amended, are distinguished over the Golecki teaching
- Examiner suggested a new search might need to be initiated, and applicants pointed out that an amendment removing an element that has already been searched would not require further searching
- It was agreed that amending the claims as discussed should place them in condition for allowance

Applicants provide the following remarks in accordance with the aforementioned interview.

III. Rejection of the claims over Golecki et al.

Claims 1, 3-11, 25-27, 29 and 31 stand rejected under 35 U.S.C. § 102(a) as being anticipated by US 2001/0049193 (Golecki et al.).

Claims 1, 3-11, 25-27, 29, and 31-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2001/0049193 (Golecki et al.).

The Examiner rejected independent claims 1, 3, and 31 over Golecki, stating, “Golecki discloses a microelectromechanical device... comprising: at least one flexible member formed from an alloy comprising: a noble metal and alloying elements comprising gold and nickel.” The Examiner cites paragraph [0043] in Golecki, which points to a layer 38 preferably comprising a metal or metal alloy, where exemplary alloys include “Au-Ni (gold-nickel) and Au-Cu (gold-copper).”

Claims 1, 3, and 31 have been amended to recite: “an alloy comprising one or more noble metals selected from the group consisting of platinum and palladium; and one or more alloying elements, the elements selected from the group consisting of iridium, ruthenium, rhodium, tungsten, osmium, and nickel.” The claims as amended avoid the use of gold as an alloying element, and hence are not anticipated by Golecki.

Further, Golecki does not teach or suggest alloys of platinum or palladium, as recited in claims 1, 3, and 31, nor does Golecki teach or suggest choosing specific alloys in order to yield “at least one performance characteristic of the flexible member that is at least 50% greater than the noble metal alone, said performance characteristic selected from the group consisting of yield strength, tensile strength and hardness” as recited in claims 1 and 37. Golecki teaches that “in one preferred embodiment, layer 38 comprises an inert material having a Young’s modulus at room temperature which is greater than that of elemental gold at room temperature” (paragraph [0039]). Golecki does not suggest improvement of any of the performance characteristics recited in claims 1 and 37. Thus, Golecki et al. provide no guidance or motivation to make a freestanding flexible member using the alloy recited in the instant claims.

Furthermore, claim 37 is directed to a freestanding flexible member consisting essentially of an alloy as recited therein. Golecki teaches a conductive coating on a support, “an electrically conductive material layer 38 which is formed over the structure and positioned to carry electrical current” (paragraph [0039]).

For the foregoing reasons, it is submitted that Golecki et al. do not teach or suggest the invention set forth in independent claims 1, 3, 31, and 37, and those dependent thereon. It is respectfully requested that the rejection be withdrawn.

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IV. Conclusion

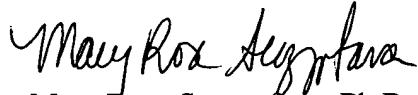
For the foregoing reasons, it is submitted that the claims are in condition for allowance.

A favorable Notice to that effect is respectfully requested.

A Notice of Appeal accompanies this Response after Final Rejection.

A Petition for a two-month extension of time accompanies this Response and the Commissioner is authorized to charge any fees associated with this Petition to our Deposit Account No. 08-0219. If there are any charges, or any credits, please apply them to Deposit Account no. 08-0219.

Respectfully submitted,



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